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INTELLECTUAL PROPERTY LAW
(PATENT, BIOTECHNOLOGY, COMPUTER,
TRADEMARK & TRADE SECRET LAW)

January 16, 2002

FACSIMILE COVER SHEET

PLEASE DELIVER TO: Ex. J. Zara

COMPANY: Group Art Unit 1635, USPTO

FACSIMILE NUMBER: 703/305-7939

NUMBER OF PAGES (COUNTING COVER SHEET): 7

FROM: Benjamin Aaron Adler, Ph.D., J.D./Colleen Werner

MESSAGE: As requested, I am attaching a Petition to Withdraw Holding of Abandonment for 09/376,774 (Our Ref.: D6087). Should you have any questions or comments, or require additional information, please call me or Dr. Adler at 713/270-5391. Thank you. Colleen Werner.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**APPLICANT: Fung****FILED: August 17, 1999****SERIAL NO.: 09/376,774****FOR: Constitutive And Regulable
Expression of Genes**§
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§**ART UNIT:****1635****EXAMINER:****Zara, J.****DOCKET: D6087**

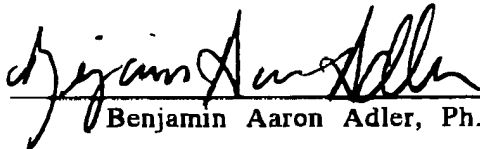
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The Honorable Commissioner of Patents
Washington, DC 20231

ATTN: Examiner Jane Zara**CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this correspondence is being transmitted via facsimile to Ex. Jane Zara at the Patent Office at 703-305-7939 on the date indicated below:

Date:

Jan 16, 2002

Benjamin Aaron Adler, Ph.D., J.D.

**PETITION FOR WITHDRAWAL OF HOLDING OF
ABANDONMENT UNDER 37 C.F.R. §1.181**

Dear Sir:

In response to a Notice of Abandonment mailed October 17, 2001 for the above-referenced patent application, Applicants hereby petition that said holding of abandonment be withdrawn.

The instant application was abandoned in view of Applicant's failure to timely file a proper reply to a Final Office Action mailed April 8, 2001. Applicants submit that a Supplemental Response after Final, including a Petition for a Three Month Extension of time, was filed via facsimile on September 26, 2001 after receipt of an Advisory Action

mailed on June 18, 2001. In the Supplemental Response Applicants canceled rejected claim 2; thus only allowed claim 1 remained pending in the instant application which action put the application in condition for allowance. No other requirements were outstanding for allowability. Thus, Applicants submit that claim 1 is in condition for allowance. Accordingly, Applicants petition that the holding of abandonment be withdrawn and request that claim 1 be passed to issuance.

Applicants submit herewith a copy of the Supplemental Response after Final. Applicants further believe no fees are due, however, if this is in error, please debit Deposit Account No. 07-1185 on which the undersigned is allowed to draw.

Respectfully submitted,

DATE: 1/16/02

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